

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES DAVID GRIEPSMA,

Plaintiff,

v.

CHRISTIAN J. ANDERSEN, *et al.*,

Defendants.

CASE NO. C21-00302-LK-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Theresa L. Fricke. Dkt. No. 205. Judge Fricke recommends that the Court grant in part and deny in part Mr. Griepsma's motion to amend his complaint, Dkt. No. 195; *see* Dkt. No. 205 at 1.

The Court previously denied Mr. Griepsma's motion to amend his complaint, Dkt. No. 92, without prejudice because his motion, even liberally construed, did not comply with the Local Civil Rules. Dkt. No. 176 at 2–3. The Court informed Mr. Griepsma that if he “decides to file a motion to file an amended complaint, he must submit the entire amended complaint (not a supplement) to the Court with brackets or strike-throughs to show what is being deleted, and

1 underlining or highlighting to show what is being added.” *Id.* at 3 (internal quotation marks  
2 omitted) (quoting Dkt. No. 120 at 3).

3 Judge Fricke recommends that the Court deny Mr. Griepsma’s current motion to amend in  
4 part because the motion did not include a proposed amended complaint—despite the Court’s  
5 direction in its prior order and the requirement to do so in Local Civil Rule 15. Dkt. No. 205 at 2.  
6 Judge Fricke notes that the current motion “simply refers back to the proposed third amended  
7 complaint—which the Clerk of Court had already determined to be deficient, and the Clerk  
8 communicated to plaintiff that it was incorrectly filed.” *Id.* (citing Dkt. No. 193). In addition to  
9 that deficiency, Judge Fricke explains that the proposed third amended complaint improperly seeks  
10 to add additional claims, defendants, and requests for relief, even though deadlines to complete  
11 discovery and file dispositive motions have passed. *Id.* at 3–4.

12 Judge Fricke also recommends granting Mr. Griepsma’s unopposed request to correct the  
13 name of defendant Jackson Stramler—listed in the first amended complaint and docket as Jackson  
14 Stamler—and to dismiss Jacob Grillo as a defendant. *Id.* at 7.

15 Judge Fricke issued the Report and Recommendation on August 26, 2022. Dkt. No. 205.  
16 She informed the parties that they had “fourteen (14) days from service of this report to file written  
17 objections,” and that “[f]ailure to file objections will result in a waiver of those objections for  
18 purposes of *de novo* review by the district judge . . . and can result in a waiver of those objections  
19 for purposes of appeal.” *Id.* at 10. No party filed objections.

20 The Court reviews findings and recommendations “*if objection is made*, but not  
21 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). No  
22 objections having been filed, the Court hereby orders as follows:

23 (1) Judge Fricke’s Report and Recommendation is ADOPTED. Dkt. No. 205.  
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1 (2) Mr. Griepsma's motion to amend his complaint is GRANTED in part and DENIED in  
2 part. Dkt. No. 195. The claims against Defendant Jacob Grillo are DISMISSED, and the  
3 Clerk shall amend the name of defendant Jackson Stramler in the docket. Otherwise, Mr.  
4 Griepsma's motion is denied.

5 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
6 to Mr. Griepsma at his last known address.

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8 Dated this 23rd day of September, 2022.

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Lauren King  
11 United States District Judge  
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